

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICHARD JERNEE, et al.,)	3:06-CV-0434-BES (RAM)
)	
Plaintiffs,)	<u>ORDER</u>
)	
vs.)	
)	
KINDER MORGAN ENERGY)	
PARTNERS, et al.,)	
)	
Defendants.)	
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KENNEMETAL, INC.,)	
)	
Third-Party Plaintiff,)	
)	
vs.)	
)	
UNITED STATES OF AMERICA, et al.,)	
)	
Third-Party Defendants.)	
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Third-Party Defendant United States of America has filed a Motion to Extend Time for Filing Responses to Third-Party Complaint by All Other Third-Party Defendants (Doc. #3). Third-Party Plaintiff Kennemetal, Inc. has filed an Opposition (Doc. #15) and Third-Party Defendant has replied (Doc. #24).

Third-Party Kennemetal, Inc. argues that Third-Party Defendant is, in effect, requesting an extension for an indefinite period of time which will result in undue delay in this matter.

The court believes that a remedy can be fashioned that will alleviate the concerns of all parties.

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1 It appears that a decision on Third-Party's Motion to Dismiss (Doc. #2) could be dispositive
2 of the Third-Party action against all Third-Party Defendants. If it is not dispositive the remaining
3 Third-Party Defendants can respond to the Third-Party Complaint within thirty (30) days of that
4 decision.

5 Third-Party Plaintiff can continue to effect service on the Third-Party Defendants during the
6 pendency of the Motion to Dismiss. If the Motion to Dismiss is not dispositive as to all Third-Party
7 Defendants, the served Third-Party Defendants will have thirty (30) days from the date of the decision
8 on the Motion to Dismiss to enter an appearance.

9 The Third-Party Defendants' Motion (Doc. #3) is GRANTED to the extent set forth above.

10 DATED: September 6, 2006.

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12 UNITED STATES MAGISTRATE JUDGE
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